

REMARKS

In the Office action dated July 20, 2005, the Examiner required restriction of the claims as follows: (i) Group I, claims 1-8 drawn to a first peptide amphiphile composition classified in class 514, subclass 1+; (ii) Group II, claims 9-16 drawn to a second peptide amphiphile composition classified in class 514, subclass 1+; (iii) Group III, claims 17-21 drawn to a third peptide amphiphile composition classified in class 514, subclass 1+; (iv) Group IV, claims 22-27 drawn to a nanofiber composition, classified in class 977, subclass 1; (v) Group V, claims 28-35 drawn to a method of treating a patient with tissue engineered material, classified in class 435, subclass 1.1; and (vi) Group VI, claims 36-40 drawn to a mineralizable bone-defect filler classified in class 606, subclass 86.

Applicant provisionally elects, with traverse, Invention II, claims 9-16. Applicant respectfully traverses the remaining restriction requirement and respectfully requests reconsideration. In order to be fully responsive, Applicant has provisionally elected, with traverse, the invention defined by claims 9-16. By this election, Applicant does not admit, nor does Applicant waive the right to argue against at a later date, the Examiner's statement that the groups of inventions are patentably distinct. Applicant expressly reserves the right to present the claims of Invention Groups I and III - VI, or other claims, in one or more divisional, continuation, or continuation-in-part applications.

Applicant does not believe that the Examiner would be seriously burdened by a search for each of Groups I, and III-VI since the subject matter of the search for at least the claims of Group I - III would greatly overlap and are in fact classified in the same class and subclass. The composition found in claims 9-16 would have to be searched for each of Examiner's designated Inventions, but at a minimum for Inventions I and III. The Examiner will not be seriously burdened by searching and considering the inventions as described in the presently filed claims. Accordingly, the Examiner has not established a proper restriction requirement under MPEP § 803.

CONCLUSION

In view of the elections and remarks presented herein, Applicants submit that the Applicants are fully responsive to restriction and election of species requirements.

This response has been timely filed when considered with the Petition for a one (1) month extension of time. In the event that an additional fee is required for this response, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-0436.

Should the Examiner have any questions or comments, or need any additional information from Applicant's attorney, he is invited to contact the undersigned at his convenience.

Respectfully submitted,



By: _____
Raymond A. Miller
Reg. No. 42,891

Dated: September 16, 2005

PEPPER HAMILTON LLP
500 Grant Street
One Mellon Bank Center, 50th Floor
Pittsburgh, PA 15219
(412) 454-5813
(412) 281-0717 - facsimile